

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36607 of 2026

Arising Out of PS. Case No.-32 Year-2026 Thana- JURAWANPUR District- Vaishali

1. Pawan Rai Son of Halad Rai @ Ahlad Rai Resident of Village- Shivnagar Vishram Tola ward no. 06, P.S.- Jurawanpur, District- Vaishali
2. Jatahu Rai @ Jatta Rai Son of Halad Rai @ Ahlad Rai Resident of Village- Shivnagar Vishram Tola ward no. 06, P.S.- Jurawanpur, District- Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mrs.Bela Singh, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar Sharma, APP
For the Informant	:	Mr.Kaustubh Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-06-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Jurawanpur P.S. Case No. 32 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 117(2), 118(1), 109 & 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. As per FIR, petitioner alleged to assault the father of the informant by using Farsa and sword alongwith other co-accused persons with intention to cause death, where the occurrence alleged to be arising out of previous enmity and neighbourhood dispute and differences.

4. Learned counsel appearing on behalf of the petitioners



submitted that specific allegation as to cause grievous injury i.e. fracture of right leg of the father of the informant is available against co-accused Halad Rai. It is pointed out that allegation against both petitioners is to cause single assault, where petitioner no. 1 alleged to assault on the head of the father of the informant by using Farsa, where petitioner no. 2 alleged to assault on the leg by means of sword.

5. It is further pointed out that no such visible injury was found upon medical examination, and simply as these petitioners were specifically alleged to assault the father of the informant with deadly weapons, their prayer of anticipatory bail was rejected by the learned trial court. Petitioners claim clean antecedent.

6. It is submitted by learned counsel that only nature of injury is not the consideration to constitute an offence under section 109 of the B.N.S. rather several factors are required to be taken into consideration as nature of weapon, manner of assault, body parts where assault was made, pre and post conduct of the accused etc. and in support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **State of Himachal Pradesh Vs. Shamsher Singh** reported in **2025 SCC OnLine SC 807**.



7. Learned A.P.P. for the State duly assisted by learned counsel appearing for the informant, while opposing the prayer for anticipatory bail of the petitioner, submitted that assaulted as alleged to be caused by the petitioners found upon the vital parts of the body by using deadly weapons like Farsa and sword, which suggest their intention to cause death of the father of the informant, but learned counsel could not disputed the injury report as submitted aforesaid by learned counsel appearing for the petitioners taking reference of paragraph 54 of the case diary, where the nature of injury was opined as simple except the fracture of leg.

8. In view of the aforesaid factual submissions and by taking note of the fact as allegation *qua* grievous injury is not available against the petitioners, where the alleged assault also not appears to made in repeated manner and, accordingly, both above-named petitioners, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate - 14th, Vaishali at Hajipur/concerned court in connection with Jurawanpur P.S. Case No. 32 of 2026, subject to the conditions



as laid down under Section 438(2) of the Cr.P.C/Section 482(2)
of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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